

ORDINANCE NO. 90-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DELEGATING THE AUTHORIZATION TO DISPOSE OF SURPLUS TANGIBLE PERSONAL PROPERTY AND THE AUTHORIZATION TO RETIRE SAID PROPERTY FROM THE OFFICIAL PROPERTY RECORDS UPON DISPOSAL FROM THE BOARD OF COUNTY COMMISSIONERS TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE; PROVIDING FOR SHORT TITLE; AUTHORITY; PURPOSE; DEFINITIONS; POLICIES AND PROCEDURES; AUTHORIZING AND RECORDING THE DISPOSAL OF SURPLUS TANGIBLE PERSONAL PROPERTY; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, recognizes the need and requirement to specifically authorize the disposal of surplus tangible personal property in advance of disposal; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, recognizes the need and requirement to specifically authorize the retirement of surplus tangible personal property from the official property records upon disposal; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, may legally delegate the authorization to dispose of surplus tangible personal property and the authorization of retiring said property from the official property records upon disposal subject to compliance with specific criteria and internal controls from the Board of County Commissioners to the County Administrator or his Designee; and

WHEREAS, the Board of County Commissioners desires to delegate the authorization to dispose of surplus tangible personal property and the authorization of retiring said property from the official property records upon disposal from the Board of County Commissioners to the County Administrator or his Designee.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. SHORT TITLE

This Ordinance may be cited as the "Surplus Tangible Personal Property Disposal Ordinance."

1 SECTION 2. AUTHORITY

2 This Ordinance is adopted under the authority of Chapter 125
3 and Chapter 274, Florida Statutes.

4 SECTION 3. PURPOSE

5 The purpose of this Ordinance is to delegate the administrative
6 duties of authorizing the disposal of surplus tangible personal property
7 and authorizing the retirement of said property from the official
8 property records upon disposal from the Board of County Commissioners to
9 the County Administrator or his Designee to provide for an efficient and
10 expedient manner in which to carry out these tasks.

11 SECTION 4. DEFINITIONS

12 The following terms when used in this Ordinance shall have the
13 meaning ascribed in this section:

14 "PROPERTY" means all tangible personal property for which title
15 thereto vests with the Board of County Commissioners.

16 "SURPLUS PROPERTY" means all fixtures and other tangible
17 personal property of a nonconsumable nature the value of which is \$500 or
18 more and the normal expected life of which is 1 year or more, and which
19 is declared obsolete or the continued use of which is uneconomical or
20 inefficient, or which serves no useful function.

21 SECTION 5. POLICIES AND PROCEDURES

22 The County Administrator or his Designee in carrying out the
23 responsibility of authorizing the disposal of surplus tangible personal
24 property shall follow the Countywide Fixed Assets Policies and Procedures
25 as established by the Fixed Assets Management Section of Palm Beach
26 County.

27 Pursuant to Chapter 274, Florida Statutes, and in conjunction
28 with the established Countywide Fixed Assets Policies and Procedures, the
29 provisions set forth herein shall be followed with regard to the disposal
30 of surplus tangible personal property:

31 a. The County Administrator or his Designee shall take into
32 consideration the best interests of the County when determining the value
33 and condition of property classified as surplus and the probability of
34 said property being desired by the prospective bidder to whom offered.

1 b. Surplus tangible personal property may be disposed of for
2 value to any person or legal entity or governmental unit, or if the
3 property is without commercial value it may be donated, destroyed or
4 abandoned. However:

5 1. Property estimated in value between \$100 and \$200
6 shall be sold only to the highest responsible bidder after a request for
7 at least 3 bids, or by public auction; and

8 2. Any sale of property the value of which is estimated
9 to be \$200 or more shall be sold only to the highest responsible bidder,
10 or by public auction, after publication of notice not less than 1 week
11 nor more than 2 weeks prior to sale in a newspaper having a general
12 circulation within the county, and may be placed in additional newspapers
13 if the best interest of the County will be served by additional notices.

14 SECTION 6. AUTHORIZING AND RECORDING THE DISPOSAL

15 OF SURPLUS TANGIBLE PERSONAL PROPERTY

16 The authorization for the disposal of surplus tangible personal
17 property and the authorization for the retirement of said property from
18 the official property records upon disposal is hereby delegated from the
19 Board of County Commissioners to the County Administrator or his Designee
20 and disposal and retirement shall be duly recorded as an agenda item in
21 the minutes of the Board of County Commissioners.

22 SECTION 7. REPEAL OF LAWS IN CONFLICT

23 All local laws and ordinances applying to the disposition of
24 surplus tangible personal property that are in conflict with any
25 provision of this Ordinance are hereby repealed.

26 SECTION 8. SEVERABILITY

27 If any section, paragraph, sentence, clause, phrase, or word of
28 this Ordinance is for any reason held by the Court to be
29 unconstitutional, inoperative or void, such holding shall not affect the
30 remainder of this Ordinance.

1 SECTION 9. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

2 The provisions of this Ordinance shall become and be made a
3 part of the code of laws and ordinances of Palm Beach County, Florida.
4 The Sections of the Ordinance may be renumbered or relettered to
5 accomplish such, and the word "ordinance" may be changed to "section,"
6 "article," or any other appropriate word.

7 SECTION 10. EFFECTIVE DATE

8 The provisions of this Ordinance shall become effective upon
9 receipt from the Florida Department of State of official acknowledgement
10 that this Ordinance has been filed with the Department of State.

11 APPROVED AND ADOPTED by the Board of County Commissioners of
12 Palm Beach County, Florida, on the 15th day of May, 1990.

13 PALM BEACH COUNTY, FLORIDA, BY ITS
14 BOARD OF COUNTY COMMISSIONERS

15 By Carol Elmgren
16 Chairman

17 APPROVED AS TO FORM AND
18 LEGAL SUFFICIENCY

JOHN B. DUNKLE, Clerk
Board of County Commissioners

19 Kathleen M. Karlett
20 County Attorney

By Lina M. Blair
DEPUTY CLERK

21 Acknowledgement by the Department of State of the State of
22 Florida, on this, the 24th day of May, 19 90.

23 EFFECTIVE DATE: Acknowledgement from the Department of State
24 received on the 29th day of May, 19 90, at 11:36
25 A.M., and filed in the Office of the Clerk of the Board of County
26 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA - COMMISSIONER OF PALM BEACH
I, JOHN B. DUNKLE, Clerk of the
Board of County Commissioners, do hereby certify this to
be a true and correct copy of the original filed in
my office on 5-29-90.
DATED at West Palm Beach, FL on 5/31/90.
JOHN B. DUNKLE, Clerk
By: Lina M. Blair D.C.